

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
MIDDLE DIVISION**

**MAC EAST, LLC,
an Alabama Limited Liability
Corporation,**

Plaintiff,

V.

SHONEY'S, INC.,
a Tennessee Corporation,

Defendant.

**CIVIL ACTION NO.:
2:05-CV-1038(F)**

SHONEY'S, LLC'S MOTION FOR LEAVE TO AMEND ANSWER

COMES NOW Defendant Shoney's, LLC ("Shoney's"), a Tennessee limited liability company, as successor-in-interest to Shoney's, Inc. and, pursuant to Rule 15 of the Federal Rules of Civil Procedure, moves this Court for leave to amend its Answer as follows:

1. Shoney's filed its Answer in this action on November 4, 2005.
2. Shoney's seeks leave to amend its Answer to clarify certain responses contained therein and to include additional factual responses.

WHEREFORE, premises considered, Shoney's respectfully requests leave to file the attached First Amendment to Answer.

s/ Paul O. Woodall, Jr.

Paul O. Woodall, Jr.

Middle District I.D. No. ASB-6012-N61J

James N. Nolan

Middle District I.D. No. ASB-4297-O59P

Attorneys for Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

Dennis R. Bailey, Esq.

RUSHTON, STAKELY, JOHNSTON & GARRETT, P.A.

184 Commerce Street

Post Office Box 270

Montgomery, Alabama 36101-0270

s/ Paul O. Woodall, Jr.

OF COUNSEL

Except as expressly modified by this First Amendment to Answer, all of the statements and defenses set forth in the Answer shall remain in full force and effect. Shoney's reserves the right to further amend its Answer to assert such other affirmative or supplemental defenses as may become available or apparent during the course of discovery in this matter.

s/ Paul O. Woodall, Jr.

Paul O. Woodall, Jr.

Middle District I.D. No. ASB-6012-N61J

James N. Nolan

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This the ____ day of _____, 2006.

s/ Paul O. Woodall, Jr.
OF COUNSEL